



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

09/723,284

11/28/2000

Yves Audebert

L741.00101

5552

7590

01/27/2005

Stevens, Davis, Miller and Mosher, LLP
Suite 850
1615 L Street
Washington, DC 20036

EXAMINER

AKPATI, ODAICHE T

ART UNIT

PAPER NUMBER

2135

DATE MAILED: 01/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<p align="center">Office Action Summary</p>	<p>Application No.</p> <p align="center">09/723,284</p>	<p>Applicant(s)</p> <p align="center">AUDEBERT, YVES</p>	
	<p>Examiner</p> <p align="center">Tracey Akpati</p>	<p>Art Unit</p> <p align="center">2135</p>	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 August 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 November 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-12 are pending. Claims 1-4 and 6-12 have been amended. This action is final.

Response to Arguments

Applicant's arguments filed 8/9/2004 have been fully considered but they are not persuasive.

2. *The attorney argues that Lee et al fails to disclose the new limitation of claim 1 of replacing previously stored credentials with new credentials in response to identifying a match between two sets of the previously stored credentials.* Lee et al on column 3, lines 35-43 discloses that before the computer can be accessed, the first and second credentials must match. Afterwards, the credentials can be updated (Lee et al, column 10, lines 66-67 and column 11, lines 1-38). This fully discloses the applicant's invention.

3. *The attorney argues that Lee et al discloses a method for checking the right of a user to use a computer and does not refer to access control of one executable program. Access to the computer controls access to one or more programs on the computer.* If the user cannot be authenticated, he/she is not allowed to access one or more programs on the computer (see Fig. 8).

4. *The attorney argues that the change of the password occurs while the computer program is still locked and furthermore the present invention does not require the program to be locked for changing the credential.* Lee et al on column 10, lines 62-67 and column 11, lines 1-14 discloses the password/credential updated before the screen is locked.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lee et al (6611914 B1).

With respect to Claim 1, the limitation of “at least one terminal including data processing means for executing at least part of said program” is met by Fig. 1; and “first memory means associated with said program for storing at least first credentials specific to said user” is met on column 1, lines 60-61; and “access control means for authorizing access to said program in response to an identified match between said first credentials stored in said first memory means and second credentials applied via said terminal to said program” is met on column 3, lines 35-40 and on Fig. 8, reference number 806; and “at least one security device personal to said user that is associated with said terminal and includes second memory means for secure storage of said second credentials” is met on column 1, lines 60-67, column 2, lines 1-4 and on Fig. 8, reference number 806. Further limitation of “said terminal including... reading and transmitting credentials means for reading said second credentials stored in said second memory means and transmitting the read second credentials to said access control means in response to presentation

Art Unit: 2135

of a request to access said program” is met on column 3, lines 54-67 and on column 4, lines 1-5; and “credentials updating means for selectively commanding the generation and loading into said first and second memory means of new credentials replacing in response to the identified match of said first and second credentials, said first and second credentials previously stored” is met on column 10, lines 66-67 and on column 11, lines 1-38. Lee et al does not clearly show credentials updating in direct response to the identified match of said first and second credentials. Lee et al however discloses the first and second credentials having to match for the user’s access to the computer terminal (see column 4, lines 62-67; and column 5, line 1). Furthermore on column 10, lines 62-67 and column 11, lines 1-11, the user updates his credentials. Therefore, the user must gain access to the computer terminal prior to updating his credentials; and hence his credentials update can only occur in response to a match between the first and second credentials.

It would have been obvious to one of ordinary skill in the art at the time of the invention to have a match occur between the first and second credentials, prior to updating his credentials because the user needs to gain access to his terminal before he can make any change whatsoever to his credentials.

With respect to Claim 2, the limitation of “wherein said access control means authorize access to said program in response to the identified match of said first and second credentials” is met by Fig. 8.

With respect to Claim 3, the limitation of “wherein said second memory means store a first identification code of said user, said terminal includes interface means for applying a second

Art Unit: 2135

identification code to said personal security device and said personal security device” is met on column 3, lines 35-38 and 57-64. Further limitation of “personal security device comprises identification code validation means, access to said personal security device is authorized by said validation means in response to the identified match of said first and second identification codes” is met on column 4, lines 56-67 and on column 5, line 1.

With respect to Claim 4, the limitation of “wherein said credentials updating means comprises generating means for generating said new credentials automatically and transmitting the generated new credentials directly to said first and second memory means without communicating said new credentials to said user” is met on column 10, lines 62-67 and on column 11, lines 1-11.

With respect to Claim 5, the limitation of “wherein said credentials management means are software means forming part of said program” is met on column 1, lines 23-27.

With respect to Claim 6, the limitation of “wherein said credentials updating means comprises generating means for generating and loading said new credentials into said first and second memory means consecutively upon authorization of access by said access control means” is met on column 10, lines 62-67 and on column 11, lines 1-38.

With respect to Claim 7, the limitation of “dating means for dating and loading into at least one of said first and second memory means the date at which said credentials are generated;

Art Unit: 2135

and inhibitor means for authorizing generation of said new credentials by said credentials updating means only after a particular time has elapsed since the generation of said credentials stored in said first and second memory means” is met on column 10, lines 62-65 and Fig. 11B.

With respect to Claim 8, the limitation of “wherein said credentials management means are software means that are independent of said program” is met on column 2, lines 20-28. The keyboard program and computer program in the reference are two separate processes and hence independent processes.

With respect to Claim 9, the limitation of “wherein said credentials management means are software means independent of said program” is met on column 2, lines 20-28; and “said credentials updating means comprises generating means for generating and loading said new credentials into said first and second memory means consecutively upon validation of said identification code by said validation means” is met on column 11, lines 5-11.

With respect to Claim 10, the limitation of “said credentials management means include dating means for dating and loading into at least one of said first and second memory means the date at which said credentials are generated” is met on column 10, lines 62-67 and Fig. 11B; and “inhibitor means for authorizing generation of said new credentials by said credentials updating means only after a particular time has elapsed since the generation of said credentials stored in said first and second memory means” is met by Fig. 11B and on column 10, lines 62-65.

With respect to Claim 11, the limitation of “wherein said program is stored and executed wholly within said terminal for local execution” is met inherently on column 1, lines 29-31 and 61-65.

With respect to Claim 12, the limitation of “wherein said system includes at least one server and transmission means for transmitting data between said terminal and said server, said program is stored and executed partly in said terminal and partly in said server, and said first memory means are associated with said server” is met inherently on column 3, lines 59-65. The computer represents the server while the keyboard represents the terminal. The first memory is inherently present in the IC card.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

Art Unit: 2135

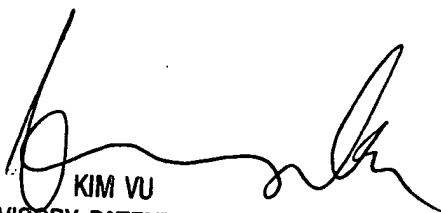
CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tracey Akpati whose telephone number is 571-272-3846. The examiner can normally be reached on 8.30am-6.00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Vu can be reached on 571-272-3859. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

OTA


KIM VU
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER